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consignee, a Swedish subject, claimed the cargo and alleged by his affidavits that it had been bought by him partly for his tanning business in Sweden, and partly for sale to customers in that country. The President made the following order for discovery: "that the claimant do within twenty-one days make discovery on oath of all books of account, letter books, and usual commercial documents relating to the matters in question, including the claimant's business books from January 1, 1914, up to the date of seizure, showing all purchases from the shippers of the goods seized during the same period, or of goods similar thereto, and of the sales of such goods by the claimants, and all contracts, policies of insurance, cables and correspondence relating to the said purchases and sales; and also the same books and documents relating to such goods, or goods similar thereto, which were sold by the claimant for delivery in Germany during the same period." The order was made subject to evidence being filed that the Procurator-General had reason to suspect that the cargo had an enemy destination:—

Held, that there was jurisdiction under the Order IX, r.1, of the Prize Court Rules to make the order, that the documents particularized therein related to the question in the action, and that the discretion of the President to make the order should not be interfered with.

THE "PRINZ ADALBERT"¹

Judicial Committee of the Privy Council

July 3, 1917

A claimant to goods seized as prize must prove his right thereto at the date when he comes before the court as owner; it is not sufficient that he was owner at the date of the seizure.

When shippers of goods discount a draft upon the consignee and authorize the discounters to hand to him a bill of lading, to the order of, and indorsed by, the shippers, upon his acceptance of the draft, the intention to be inferred, according to general mercantile understanding, is that the ownership of the goods is to pass to the consignee when he accepts the draft. That inference may be modified, or rebutted, by particular arrangements between the shippers and the consignee, and is subject to the rules which arise out of a state of war existing or imminent at the beginning of the transaction. The transfer of the property upon the acceptance of the draft is consistent with the consignee being either a purchaser from the shippers or their agent for the sale of the goods.

¹ Appeal Cases, 1917, p. 586.